

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR., and ROSLYN)
WOODARD SMITH, individually and as)
Administrators of the ESTATE OF HARRY)
SMITH, III)

Plaintiffs,)

v.)

CITY OF WILMINGTON, JOHN)
CIRITELLA, THOMAS DEMPSEY and)
MATTHEW KURTEN,)

Defendants.)

C.A. No. 04-1254-GMS

JURY TRIAL DEMANDED

[PROPOSED] ORDER

The Court, having considered defendants City of Wilmington, John Ciritella, Thomas Dempsey and Matthew Kurten's ("Defendants") Supplemental Motion for Summary Judgment ("Motion"), and all arguments and briefing thereon,

IT IS HEREBY ORDERED, this ____ day of _____, 2007, that:

Defendants' Motion is granted, and summary judgment is entered in favor of Defendants against plaintiffs on all claims asserted.

United States District Judge